

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

RIC (Lavernia)

Debtor.

Case No. 24-51195

Adversary Case No.

25-05040

**MOTION FOR VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING
AND NOTICE OF WITHDRAWAL OF FILING**

**TO THE HONORABLE MICHAEL M. PARKER,
UNITED STATES DISTRICT JUDGE:**

OTISCO RDX, LLC (“OTISCO” or “Plaintiff”), in the above-captioned adversary proceeding, respectfully moves this Court pursuant to Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(2) for an order dismissing this adversary proceeding with prejudice. In support of this Motion, Plaintiff states as follows:

NOTICE OF WITHDRAWAL OF FILING

Pursuant to Rule 11(c)(2) of the Federal Rules of Civil Procedure and Rule 9011 of the Federal Rules of Bankruptcy Procedure, for the purpose of exercising its “safe-harbor” rights to avoid sanctions, Plaintiff hereby withdraws the following filing:

ECF 1 Plaintiff's Original Complaint for Declaratory Relief

VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING

Pursuant to Rule 11(c)(2) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests that this Court allow the voluntary dismissal of the adversary claim and take no further action on the pending case. Movant seeks to avail itself of the safe-harbor provision under the foregoing rule and seeks the Court's protection from the pursuit of sanctions for the alleged "bad-faith" conduct. Accordingly, the Court should permit the voluntary dismissal of the adversary claim and decline to consider the motion for sanctions filed against Movant and its counsel.

This Motion for Voluntary Dismissal is also made pursuant to Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(2).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Movant OTISCO respectfully requests that this Court grant this *Motion for Voluntary Dismissal of Adversary Proceeding and Notice of Withdrawal of Filings* and grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Justin Rayome
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ATTORNEY FOR OTISCO

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2025, I caused a true and correct copy of the foregoing to be served on the Defendants and their attorneys via email and United States First Class Mail to:

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/s/ Justin Rayome

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